



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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FCC Docket No. 07-301

DA 08-39

Released: January 7, 2008

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF WEST POINT TELEPHONE COMPANY, INC. TO TELEPHONE AND DATA SYSTEMS, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-301

Comments Due: January 22, 2008

Reply Comments Due: January 28, 2008

On December 21, 2007, West Point Telephone Company, Inc. (West Point) and Telephone and Data Systems, Inc. (TDS, collectively Applicants) filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting approval to transfer control of West Point from the current shareholders of West Point to TDS.

The Applicants do not seek streamlined treatment for this application under section 63.03(b) of the Commission's rules.² West Point, an Indiana corporation, is an incumbent local exchange carrier (LEC) that has one exchange and 756 access lines, serving Tippecanoe and Fountain counties in northwest Indiana. TDS is a holding company that provides incumbent LEC and competitive LEC services in 30 states. Through its wholly owned subsidiary, TDS Telecommunications Corporation, TDS currently operates nine incumbent LECs in Indiana: Camden Telephone Company, Inc., The Merchants and Farmers Telephone Company, Tri-County Telephone Company, Inc., Home Telephone Company, Inc., Communications Corporation of Southern Indiana, Communications Corporation of Indiana, Sandborn Westphalia Telephone Company, Inc., Tipton Telephone Company, Inc., and Home Telephone Company of Pittsboro, Inc. The West Point local exchange service area is adjacent to the service areas of TDS's Romney and Wingate exchanges operated by Tri-County Telephone Company. Applicants state that West Point and TDS have, in combination, fewer than two percent of the nation's subscriber lines installed in the aggregate nationwide, but, because of the adjacent service areas the Applicants have identified, this application is not entitled to presumptive streamlined treatment.

The following U.S. citizens own at least ten percent of West Point: John D. Cheesman (37.6 percent), Vonda C. Cheesman (12.4 percent), Gary L. Cheesman (25%), and Jacqueline C. Kerkhoff (24%).

¹ 47 C.F.R. §§63.03, 63.04; see 47 U.S.C. § 214. Applicants filed a supplement to their domestic section 214 application on Jan. 3, 2008.

² 47 C.F.R. § 63.03(b).

TDS is a Delaware company and is controlled by a Voting Trust. Applicants state that the Voting Trust controls 52.3 percent of the voting power of TDS's total shares that vote in non-director related matters and 94.4 percent of the voting shares that elect eight of the 12 directors. The trustees of the Voting Trust are LeRoy T. Carlson, Jr., Walter C.D. Carlson, Prudence E. Carlson, and Dr. Letitia G.C. Carlson. Applicants state that the trustees are U.S. Citizens. Applicants further state that TDS provides no competitive LEC services in Indiana.³

The proposed transaction entails the transfer of West Point from its existing four stockholders to TDS, and Applicants state that WPTC Acquisition Corp., an Indiana corporation and wholly owned subsidiary of TDS, will merge with and into West Point, leaving West Point as an indirect wholly owned subsidiary of TDS.

The Applicants state that the proposed transaction is in the public interest because TDS is an established telecommunications provider that can provide West Point with economies of scale and scope and offer West Point's customers access to state of the art service.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before January 22, 2008** and reply comments **on or before January 28, 2008**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's e-Rulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

³ Applicants further state that TDS operates 112 incumbent LEC subsidiaries in its 30 states and owns 82 percent of United States Cellular Corporation that provides wireless services nationwide.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- 3) Matt Warner, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C347, Washington, D.C. 20554; e-mail: matthew.warner@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-A664 Washington, D.C. 20554; email: david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: jim.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Matt Warner at (202) 418-2419.

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